

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PERRY CIRALU, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL PROPERTIES,
INC., NICHOLAS S. SCHORSCH, DAVID S.
KAY, BRIAN BLOCK, AND LISA MCALISTER,

Defendants.

BERNARD PRIEVER, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL PROPERTIES,
INC., BRIAN BLOCK, AND LISA MCALISTER,

Defendants.

STUART RUBINSTEIN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL PROPERTIES,
INC., NICHOLAS S. SCHORSCH, BRIAN
BLOCK, AND LISA MCALISTER,

Defendants.

Electronically Filed

Civil Action No. 1:14-cv-08659-AKH

Judge Alvin K. Hellerstein

Electronically Filed

Civil Action No. 1:14-cv-08668-AKH

Judge Alvin K. Hellerstein

Electronically Filed

Civil Action No. 1:14-cv-08669-AKH

Judge Alvin K. Hellerstein

**NOTICE OF MOTION OF THE STATE TEACHERS RETIREMENT SYSTEM OF
OHIO AND THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR
CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF
AND APPROVAL OF LEAD COUNSEL**

KEVIN PATTON, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL PROPERTIES,
INC., NICHOLAS S. SCHORSCH, BRIAN
BLOCK, AND LISA MCALISTER,

Defendants.

BERNEY HARRIS, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL PROPERTIES,
INC., NICHOLAS S. SCHORSCH, DAVID S.
KAY, BRIAN BLOCK, AND LISA MCALISTER,

Defendants.

SIMON ABADI, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL PROPERTIES,
INC., NICHOLAS S. SCHORSCH, DAVID S.
KAY, PETER M. BUDKO, BRIAN S. BLOCK,
LISA E. BEESON, WILLIAM M. KAHANE,
EDWARD M. WEIL, JR., LESLIE D.
MICHELSON, EDWARD G. RENDELL, AND
SCOTT J. BOWMAN,

Defendants.

Electronically Filed

Civil Action 1:14-cv-08671-AKH

Judge Alvin K. Hellerstein

Electronically Filed

Civil Action No. 1:14-cv-08740-AKH

Judge Alvin K. Hellerstein

Electronically Filed

Civil Action No. 1:14-cv-09006-AKH

Judge Alvin K. Hellerstein

THE CITY OF TAMPA GENERAL
EMPLOYEES RETIREMENT FUND, Individually
and on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, DAVID S. KAY, BRIAN
BLOCK, PETER M. BUDKO, EDWARD M.
WEIL, JR., BRIAN D. JONES, WILLIAM M.
KAHANE, EDWARD G. RENDELL,
WALTER P. LOMAX, JR., LESLIE D.
MICHELSON, SCOTT J. BOWMAN,
MERRILL LYNCH, PIERCE, FENNER &
SMITH INC., CITIGROUP GLOBAL
MARKETS INC., BARCLAYS CAPITAL
INC., J.P. MORGAN SECURITIES LLC,
CAPITAL ONE SECURITIES INC., CREDIT
SUISSE SECURITIES (USA) LLC,
DEUTSCHE BANK SECURITIES INC.,
WELLS FARGO SECURITIES, LLC,
ROBERT W. BAIRD & CO. INC.,
LADENBURG THALMANN & CO. INC.,
BMO CAPITAL MARKETS CORP., JMP
SECURITIES LLC, JANNEY
MONTGOMERY SCOTT LLC, MIZUHO
SECURITIES USA INC., PNC CAPITAL
MARKETS LLC, PIPER JAFFRAY & CO.,
AND RBS SECURITIES INC.,

Defendants.

Electronically Filed

Civil Action No. 1:14-cv-10134

Judge Alvin K. Hellerstein

PLEASE TAKE NOTICE that on a date and at a time designated by the Court, before the Honorable Alvin K. Hellerstein, at the United States District Court for the Southern District of New York, located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14D, New York, New York, the State Teachers Retirement System of Ohio and the Ohio Public Employees Retirement System (collectively, the “Ohio Funds”) will respectfully move this Court for entry of an order, pursuant to Section 27(a)(3)(B) of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77z-1(a)(3)(B), and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”): (1) consolidating all related actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; (2) appointing the Ohio Funds as Lead Plaintiff; (3) approving the Ohio Funds’ selection of Bernstein Liebhard LLP (“Bernstein Liebhard”) and Berman DeValerio to serve as Co-Lead Counsel for the class; and (4) for such further relief as the Court may deem just and proper.

This Motion is made on the grounds that the Ohio Funds believe that they are the “most adequate plaintiff” under the PSLRA and should therefore be appointed Lead Plaintiff. Specifically, the Ohio Funds believe they have the “largest financial interest” in the relief sought by the class in this action by virtue of, among other things, the substantial losses they collectively suffered on their investment in American Realty Capital Properties, Inc. common stock. The Ohio Funds also otherwise satisfy the requirements of Rule 23 of the Federal Rules of Civil Procedure because their claims are typical of other class members’ claims and because they will fairly and adequately represent the class. Moreover, the Ohio Funds are the paradigmatic lead plaintiff envisioned by Congress in enacting the PSLRA because they are sophisticated public pension funds with a substantial financial stake in the relief sought by the class.

This Motion is based upon this Notice of Motion, the accompanying Memorandum of Law In Support thereof, the Declaration of Joseph R. Seidman, Jr. filed herewith, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, the Ohio Funds respectfully request that this Court: (1) consolidate the related Actions, and all subsequently-filed, related actions; (2) appoint the Ohio Funds as lead plaintiff in the Actions, and all subsequently-filed, related actions; (3) approve the Ohio Funds' selection of Bernstein Liebhard and Berman DeValerio as co-lead counsel; and (4) grant such other further relief as the Court may deem just and proper.

Dated: December 29, 2014

Respectfully submitted,

BERNSTEIN LIEBHARD LLP

/s/ Jeffrey M. Haber

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Attorneys for the Ohio Funds and Proposed

Co-Lead Counsel for the Class